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10/669,646	09/25/2003	Jean Lassaux	Q77373	5583

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EXAMINER
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WILSON, ROBERT W

ART UNIT	PAPER NUMBER
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2619

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01/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/669,646

Applicant(s)

LASSAUX ET AL.

Examiner

Robert W. Wilson

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9, 11, 19 and 20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 9, 11, 19 and 20 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 9, 11, & 19-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 9, the specification does not describe a virtual circuit that corresponding to the Internet service provider through the router is not described in either the original claims nor in the specification; thus, claim 9 is rejected because the claim has new matter which was not contained in the original claims nor is it written in the specification.

Referring to claim 11, the “virtual circuit that corresponding to the Internet service provider” is not described in the original claims nor is described in the specification; thus, claim 10 is rejected because the claim has new matter which was not contained in the original claim nor is it written in the specification.

Referring to claim 19, where is the written description which defines the first means, second means, how they are interconnected per the claim limitations and how they are interconnected to the call processor.

Referring to claim 20, where is the written description which defines how the processor, controller, and call processor are interconnected per claim limitations.

***Drawings***

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of “virtual circuit that corresponds to the Internet Service provider” and “Internet router” in claim 9; “virtual circuit that corresponds to the Internet Service provider” in claim 11, there also is no drawing showing the controller or first means for concentrating or process as well as the second means for receiving instructions or processor for receiving an instruction” in the Figures as claimed in claim 19 & 20 respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the

appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Objections*

3. Claims 19-20 are objected to because of the following informalities:

Referring to claims 19-20; the examiner objects to the usage of "n" in claims 19 & 20 without defining the range of "n" in the claim language. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9 & 11 are rejected under 35 U.S.C. 102(E) as being anticipated by Dunn (U.S. Patent No.: 6,072,793)

Referring to claim 9, Dunn teaches: a subscriber unit connected to a data transmission network (Fig 1) the subscriber unit comprising:

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

An Internet router (ISP1 is connected to LAN (25 per Fig 1) via an inherent Router) wherein the matrix can be controlled so that called to an Internet service provider pass through the Internet router in a virtual circuit that corresponds to the Internet service provider (The CONTROLLER (7 per Fig 1) or call processor receives a request for calls to be directed to an Internet Service Provider either ISP1 or ISP2 through the inherent Internet Router connected to the LAN (25 per Fig 1) to either ISP1 or ISP2. The connection to ISP1 shown in Figure 1 is a virtual circuit and per col. 2 lines 43 to col. 4 line 6)

Referring to claim 11, Dunn teaches: a subscriber unit connected to a data transmission network (Fig 1) the subscriber unit comprising:

A switch matrix (NETWORK (7 per Fig 1) is a 1AESS which has inherent switch matrix per col. 2 line 51)

A plurality of modems wherein the switch matrix can be controlled so that calls set up between analog subscriber terminals and an Internet service provider pass through the modes in a virtual circuit that corresponds to the Inter service provider (The CONTROLLER controls the NETWORK (7) or switch matrix so that the calls are setup between the inherent analog subscriber terminals and an ISP1 trthrough the modem back or modes over a virtual circuit which is connected to the ISP1 or Internet Service provider per Fig 1)

### ***Response to Amendment***

6. Applicant's arguments filed 11/28/07 have been fully considered but they are not persuasive.

The examiner respectfully disagrees with the applicant's argument relative to the 112/1<sup>st</sup> paragraph rejection of claim 11 that para [0016] cite in the PG Pub provides written description for a virtual circuit through a router. This paragraph describes call processor setting up a virtual circuit path but never mention the router. The applicant is describing a virtual circuit for a totally different context.

The examiner respectfully disagrees with the applicant argument that it is not necessary to define "n" just because it was not necessary in U.S. Patent No.: 6,674,747. The "n" should have been defined in the claim language of U.S. Patent No.; 6,674,747 but that case is not been examined.

The examiner respectfully disagrees with the applicant argument that it is not necessary to show the virtual circuit in the drawing. A drawing is required for each independent claim which shows all of the claimed limitations.

The examiner respectfully disagrees with the applicant argument relative to claim 19 that the HDLC processor may be considered as the second means in a drawing. The specification does not say that the HDLC processor receives instructions from the call processor. Which processor is the call processor? A drawing needs to show a first means, second means, how they are interconnected per the claim limitations and how they are interconnected to the call processor.

The examiner respectfully disagrees with the applicant argument relative to claim 20 that the HDLC processor may be considered as processor for receiving instructions in a drawing. The specification does not say that the HDLC processor receives instructions from the call processor. Which processor is the call processor? A drawing needs to show a controller, processor, how they are interconnected per the claim limitations as well as how they are interconnected to the call processor

The examiner respectfully disagrees with the applicant argument that the reference Dunn does not teach a connection to an ISP through a virtual connection. Dunn teaches: connection to an ISP through a virtual connection (The ECMDF receives a request indicating a connection to a service provider. The call is setup through the modem pool to the ISP (abbreviation for Internet Service Provider) until the call is disconnected (Call setup on a temporary basis and is disconnected is a virtual circuit) per col. 3 lines 1 to 17).

In addition the examiner explains his reasoning for saying the router and the switch matrix are inherent. One of ordinary skill in the art knows that routers are inherent in Internet Service Provider Network. The abbreviations ISP1 and ISP2 in Figure 1 stand for Internet Service Provider (ISP). One of ordinary skill in the art also knows that 1AESS switch per col. 2 lines 51 has a switching matrix; therefore, the switching performed by the Network 7 per Fig 1 has a switching matrix.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on 571/272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert W Wilson  
Examiner  
Art Unit 2616

RWW  
1/11/08